

**VERMILLION CIRCUIT COURT
PROPOSED LOCAL RULES
OCTOBER 5, 2005**

PURSUANT TO TRIAL RULE 81, OF THE INDIANA RULES OF TRIAL PROCEDURE, THE VERMILLION CIRCUIT COURT PROPOSES THE FOLLOWING RULES TO AID IN THE FAIR AND EFFICIENT RESOLUTION OF DISPUTES. THESE RULES ARE PROMULGATED IN ACCORDANCE WITH TR 81(D), AS AN EXCEPTION TO THE SCHEDULE, SINCE THIS COURT FINDS THAT A GOOD CAUSE EXISTS FOR THE DEVIATION FROM THE NORMAL SCHEDULE.

ALL LOCAL RULES OF THE COURT, PREVIOUSLY ADOPTED, ARE REPEALED.

THESE RULES WILL BE EFFECTIVE ON NOVEMBER 18, 2005.

PROPOSED LR 83-TR 5-1, Filing by Facsimile Transmission.

The Clerk of the Vermillion County Circuit Court is hereby authorized and directed to accept filings of pleadings by electronic facsimile transmission in all cases pending before such Court, if received in compliance with Administrative Rule 12 of the Indiana Supreme Court and the requirements hereinafter specified:

1. Cover Sheet: Any pleading or proposed Order sent to the Clerk for filing or execution, pursuant to this rule, shall be accompanied by a cover sheet. The cover sheet shall:
 - a. identify the sending party and its voice and facsimile telephone numbers;
 - b. state the title of the pleading or proposed Order being sent, the number of pages, the case number to which the pleading or Order applies, and provide any necessary instructions for filing; and
 - c. contain the signature of the attorney or pro se party authorizing the filing.
2. Limitation on Length of Pleadings: The Clerk shall not accept any pleading for filing under this rule greater than nine (9) pages in length. Multiple pleadings or documents per transmission will be accepted as long as the total number of pages received, including the cover sheet, does not exceed ten (10) pages.
3. Date of Filing: Pleadings received by the Clerk, pursuant to this rule, shall be filed of record on the date received, if they are produced in the Clerk's Office between 8:00 a.m. and 4:00 p.m., Monday through Friday. Pleadings received at any other time of day or other days of the week, holidays, or other days the Clerk's Office is closed shall be shown filed of record on the next normal business day such office is open.
4. Copies for Service and Proposed Orders: In the event a pleading is received for filing, which is required to be served upon the adverse party, other than per Trial Rule 5, or which requires the execution of an Order, the filer need only transmit a single copy to the Clerk. The Clerk shall produce duplicate copies for service.

5. Telephone Numbers for Filings: Facsimile filings shall be transmitted to the Clerk's Office by using the following number: 1-765-492-5001.

PROPOSED LR 83-TR 79(H)-1, Appointment of Special Judges, Pursuant to TR 79(H).

The appointment of a Special Judge shall be pursuant to District 7 Trial Rule 79(H), as approved by the Indiana Supreme Court, covering Vermillion, Parke, Putnam, Sullivan, Clay, and Vigo counties.

PROPOSED LR 83-CR 2.2-1, Assignment and reassignment of felony and misdemeanor cases.

Pursuant to CR2.2 and 13(C), and in the event it becomes necessary to assign a Judge in the Vermillion Circuit Court on a Felony or Misdemeanor case, the case shall be assigned to the Judge of the Fountain Circuit Court, the Parke Circuit Court, the Warren Circuit Court, or any Senior Judge approved to serve in the Vermillion Circuit Court. In the event no Judge is available for assignment or reassignment of a Felony or Misdemeanor case, such case shall be sent to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a Felony or Misdemeanor case concludes that the unique circumstances presented in such proceeding require the appointment by the Indiana Supreme Court of a Special Judge, the Presiding Judge may request the Indiana Supreme Court for such appointment.

PROPOSED LR 83-AR00-1, Caseload Management Plan.

As the only Court of record in Vermillion County, the Vermillion Circuit Court will handle all cases filed in the Vermillion County Clerk's Office.

PROPOSED LR 83-AR 15-1, Court Reporters.

1. Definitions: All definitions set forth in Administrative Rule 15 of the Indiana Supreme Court are adopted for the purposes of this Rule.
2. Salary: The Court Reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the Court during any regular work hours, gap hours, or overtime hours.
3. County Indigent Work (Transcripts for litigant declared indigent): A maximum per page fee for County indigent transcripts shall be set at \$3.00 per page, plus an additional labor charge for the hourly rate based upon the Court Reporter's annual Court compensation for time spent binding the transcript and the exhibit binders may be charged. The Court Reporter shall submit a claim directly to the County for the preparation of the County indigent transcript. A minimum fee of \$35.00 per transcript may be charged.
4. State Indigent Work (Transcripts for litigant declared indigent): A maximum per page fee for State indigent transcripts shall be set at \$3.00 per page, plus an additional labor charge for the hourly rate based upon the Court Reporter's annual Court compensation for time spent binding the transcript and the exhibit binders may be charged. The Court Reporter shall submit a claim directly to the State for the preparation of the State indigent transcript. A minimum fee of \$35.00 per transcript may be charged.
5. Private Transcripts (Transcripts paid for by a Private Party): A maximum per

page fee for private transcript work shall be set at \$3.00 per page, plus an additional labor charge for the hourly rate based upon the Court Reporter's annual Court compensation for time spent binding the transcript and the exhibit binders may be charged. A maximum per page fee for copies of transcript shall be set at \$2.00 per page. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be: \$6.00 per page, where the transcript must be prepared within 24 hours or less; and \$4.50 per page, where the transcript must be prepared within three (3) working days.

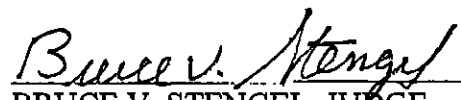
6. Payment Arrangements of Private Party Ordering Transcript: The party requesting the transcript must pay 100% of the projected cost in advance of the Court Reporter starting the transcript and before taking possession of said transcript.

7. Annual Report: The Court Reporter shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division, all transcript fees (either county, indigent, state indigent, or private) received by the Court Reporter.

8. Depositions: The Court Reporter shall not engage in private practice through recording of a deposition and/or preparing of a deposition transcript by the use of the Court's equipment, work space, or supplies. If the Court Reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript, the Court Reporter shall do so using the Reporter's own equipment, supplies, and work space, and any and all of such private practice shall be conducted outside the regular working hours of the Court on the Reporter's own time.

9. Transcripts: All transcript preparation, required by law to be prepared by the Court Reporter, shall be prepared during regular business hours, when possible, but not until all other duties necessary for operation of the Court are completed. In the event the Court Reporter prepares county indigent, or state indigent transcripts or private transcripts, and the same involves gap and/or overtime hours, the Court and the Reporter shall enter into a written agreement, outlining the manner in which the Reporter is to be compensated for such gap and overtime hours. Either compensation shall be paid for gap hours at the hourly rate, and overtime hours paid one and one half (1 1/2) times the hourly rate, or one (1) hour of compensatory time off for each gap hour worked, and one and one half (1 1/2) hour compensatory time off each hour of overtime worked.

ADOPTED at Vermillion County, Indiana, this 5th day of October, 2005.



BRUCE V. STENGEL, JUDGE
VERMILLION CIRCUIT COURT